

## **REMARKS**

Claims 13 and 27-29 are pending in the application.

Claim 13 is amended to make it dependent upon claim 27.

New claims 28-29 are added to the application.

Claims 12, 17 and 21-26 are cancelled from the application without prejudice to Applicant's right to reintroduce them in a continuing application.

No new matter has been added to the application by way of these claim amendments.

In order to advance the prosecution of the present application, the applicant has cancelled all independent claims from the application and has amended claim 27 to convert it into an independent claims. Therefore, all rejections except for the examiner's rejection of claim 27 are believed to be moot in view of the claim amendments above.

The examiner lodged three different rejections against claim 27. The examiner rejected claim 27 for being anticipated by or in the alternative for being obvious over Sekido (JP55003972). The examiner also rejected claim 27 for anticipation or for obviousness in view of Mayumi (JP57140114A). The examiner finally rejected claim 27 for anticipation by or for obviousness over Bauer (EP1044779).

### **A. All Claims Are Patentable In View Of The Sekido Reference (JP55003972)**

The examiner rejected claim 27 for anticipation by or for obviousness over Sekido. The examiner admits that Sekido does not teach the thickness of the coefficient of thermal expansion of the components but nonetheless takes the position that the claimed physical property of similar coefficient of thermal expansion is expected to be as claimed as like materials to those claimed by using a like manner. In the alternative, the examiner takes the position that it would have been obvious to one of ordinary skill in the art to select materials whose coefficient of thermal expansions are similar.

Sekido does not anticipate nor does it render claim 27 obvious because many features of claim 27 are missing from the reference. For example, claim 27 recites dimensions of the various material layers as well as the overall part thickness. The Sekido Abstract discloses none

of the claimed dimensions. Moreover, Sekido does not disclose the use of glass filled nylon resin including from about 10 to 30 wt% of glass fibers. Finally, the examiner's allegation that the coefficient of thermal expansion limitation is inherent from Sekido is also legally flawed. Again, as far as the applicant can tell, Sekido does not specifically disclose the use of any particular resin. It is impossible, therefore, for the alleged feature to be inherent in the Sekido resins because no resins appear to be discussed in the reference. The examiner is, therefore asked to identify a resin disclosed by Sekido that would inherently exhibit the claimed coefficient of thermal expansion property so that the applicant can consider the examiner's rejection.

Dependent claims 13 and 28-29 are patentable over Sekido at least by virtue of their dependence upon allowable claim 27.

#### **B. All Claims Are Patentable In View Of Mayumi (JP57140114A)**

The examiner rejected claim 27 for being anticipated by or in the alternative for obviousness over Mayumi (JP57140114A). The examiner's rejection of claim 27 for anticipation by or for obviousness in view of Mayumi is without merit. As with Sekido rejection above, Mayumi fails to disclose the claimed product layer thicknesses or the claimed resin that is used to manufacture the resin layer. In addition, Mayumi fails to disclose a product where the resin material has a coefficient of expansion that is similar to the coefficient of expansion of the pre-shaped formed metal sheet. For at least these reasons, claim 27 is novel and non-obvious in view of Mayumi.

Dependent claims 13 and 28-29 are patentable over Mayumi at least by virtue of their dependence upon allowable claim 27.

#### **C. All Claims Are Patentable In View Of Bauer (EP1044779)**

The examiner rejected claim 27 for being anticipated by or in the alternative for being obvious over Bauer (EP1044779A1).

The examiner's rejection of claim 27 for anticipation by or for obviousness in view of Bauer is without merit. As with the Sekido and Mayumi rejections above, Bauer fails to disclose the claimed product layer thicknesses or the claimed resin that is used to manufacture the resin layer. In addition, Bauer fails to disclose a product where the resin material has a coefficient of expansion that is similar to the coefficient of expansion of the pre-shaped formed metal sheet. For at least these reasons, claim 27 is novel and non-obvious in view of Bauer.

Dependent claims 13 and 28-29 are patentable over Bauer at least by virtue of their dependence upon allowable claim 27.

**D. The Examiner's Obviousness Rejections are Legally Flawed**

In all of the rejections discussed above, the examiner takes the position that it would have been obvious to one of ordinary skill in the art to select materials whose coefficients of thermal expansion are similar. The examiner's rejection is legally flawed because the examiner has not cited any support for the statement. Support for the statement could be official notice of common knowledge of one of ordinary skill in the art at the time of the invention or to citations to documents that suggest the claim feature is well known. However, the examiner has provided no such support for his position.

It is improper for the examiner to dismiss a meaningful claim limitation by taking the position – without any factual support - that the limitation would have been obvious to one of ordinary skill in the art. The Absence of factual support for the position makes the position impossible to rebut. Therefore, the examiner's rejection of the claims above for obviousness over the each of the three above-identified references must be withdrawn because it is procedurally flawed.

**CONCLUSION**

Claims 13 and 27-29 are believed to be patentable over the prior art for at least the reasons recited above. Favorable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

Date: June 26, 2009

By \_\_\_\_\_ /A. Blair Hughes/  
A. Blair Hughes  
Reg. No. 32,901  
312-913-2123